

1 DAVID H. FRY (SBN 189276)
David.Fry@mto.com
2 MARK R. CONRAD (SBN 255667)
Mark.Conrad@mto.com
3 JEREMY S. KROGER (SBN 258956)
Jeremy.Kroger@mto.com
4 MUNGER, TOLLES & OLSON LLP
560 Mission Street, 27th Floor
5 Twenty-Seventh Floor
San Francisco, CA 94105-2907
6 T: (415) 512-4000 / F: (415) 512-4077

7 GERALD A. McINTYRE (SBN 181746)
gmcintyre@nsclc.org
8 NATIONAL SENIOR CITIZENS LAW CENTER
3435 Wilshire Blvd., Suite 2860
9 Los Angeles, CA 90010-1938
T: (213) 674-2900 / F: (213) 639-0934

11 ANNA RICH (SBN 230195)
12 arich@nsclc.org
13 KEVIN PRINDIVILLE (SBN 235835)
14 kprindiville@nsclc.org
15 NATIONAL SENIOR CITIZENS LAW CENTER
16 1330 Broadway, Suite 525
17 Oakland, CA 94612
18 T: (510) 663-1055 / F: (510) 663-1051
19
20 Attorneys for Plaintiffs

16 ADDITIONAL COUNSEL LISTED ON NEXT PAGE

21 ROSA MARTINEZ, JIMMY HOWARD,
ROBERTA DOBBS, BRENT
22 RODERICK, SHARON ROZIER, and
JOSEPH SUTRYNOWICZ, on behalf of
23 themselves and all others similarly situated,

24 || Plaintiffs.

25 || VS

26 MICHAEL J. ASTRUE, Commissioner of Social Security, in his official capacity.

Defendant.

CASE NO. 08-CV-4735 CW

**STIPULATION AND [PROPOSED]
ORDER GRANTING PARTIES' JOINT
REQUEST FOR ADMINISTRATIVE
RELIEF TO POSTPONE CASE
MANAGEMENT CONFERENCE UNTIL
FEBRUARY 26, 2009 (LOCAL RULE 7-11)**

1 WILLIAM G. LIENHARD
wlienhard@urbanjustice.org
2 EMILIA SICILIA
esicilia@urbanjustice.org
3 JENNIFER PARISH
jparish@urbanjustice.org
4 URBAN JUSTICE CENTER
123 William Street, 16th Fl.
5 New York, NY 10038
T: (646) 602-5668 / F: (212) 533-4598
6
7 CHRISTOPHER A. DOUGLAS (SBN 239556)
cdouglas@legalaidsmc.org
8 M. STACEY HAWVER (SBN 146012)
mshawver@legalaidsmc.org
LEGAL AID SOCIETY OF SAN MATEO COUNTY
9 521 East 5th Avenue
San Mateo, CA 94402
10 T: (650) 558-0915 / F: (650) 558-0673
11
12 MARILYN HOLLE (SBN 61530)
marilyn.holle@disabilityrightsca.org
DISABILITY RIGHTS CALIFORNIA
13 3580 Wilshire Blvd. Suite 902
Los Angeles, CA 90010-2522
T: (213) 427-8747 / F: (213) 427-8767
14
15 Of Counsel for Plaintiffs ROSA MARTINEZ,
JIMMY HOWARD, ROBERTA DOBBS, BRENT
RODERICK, SHARON ROZIER, JOSEPH
SUTRYNOWICZ, and all others similarly situated
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1 WHEREAS, on December 30, 2008, Defendant filed a Motion for Administrative
2 Relief to Continue the Case Management Conference;

3 WHEREAS, on January 6, 2009, the Court granted Defendant's Motion for
4 Administrative Relief to Continue the Case Management Conference and continued the case
5 management conference scheduled for January 20, 2009 until February 19, 2009;

6 WHEREAS, on January 12, 2009, Plaintiffs filed two different motions to dismiss
7 (Motion To Dismiss First Amended Complaint as to Rosa Martinez, Jimmy Howard, Roberta
8 Dobbs, Sharon D. Rozier, and Joseph Sutrynowicz; and Motion to Dismiss First Amended
9 Complaint as to Brent A. Roderick) and Plaintiffs filed two different motions (Motion for
10 Preliminary Injunction; and Motion for Class Certification), all of which were initially scheduled
11 to be heard on February 19, 2009;

12 WHEREAS, on January 15, 2009, Plaintiffs filed a Motion for Summary
13 Adjudication of the Legality of Defendant's Policy Regarding "Fleeing" Beneficiaries, which was
14 initially scheduled to be heard on February 19, 2009;

15 WHEREAS, on January 13, 2009, Defendant filed a Motion To Change Time on
16 Briefing and Hearing Schedules;

17 WHEREAS, on January 21, 2009, the Court issued an Order Denying Defendant's
18 Motion To Continue Hearing, which left in place the hearing date of February 19, 2009, and set
19 forth a briefing schedule for all motions then pending before the Court;

20 WHEREAS, on January 23, 2009, Defendant filed an Administrative Motion To
21 Continue Hearing and Briefing Dates by One Week; Plaintiff filed a Statement of Non-
22 Opposition to that motion; and the Court issued an Order continuing the hearing on all motions
23 then pending before the Court from February 19, 2009, until February 26, 2009;

24 WHEREAS, neither the Administrative Motion filed by Defendant, nor the
25 Statement of Non-Opposition filed by Plaintiff, nor the Order issued by the Court indicated that
26 the Case Management Conference scheduled for February 19, 2009, should also be postponed;

27 WHEREAS, Plaintiffs and Defendant agree that it would efficient for the Court
28 and the parties to conduct the Case Management Conference following a hearing on the motions

1 now pending before the Court on February 26, 2009, rather than a week before argument on such
2 motions;

3 THEREFORE, IT IS HEREBY STIPULATED that the Case Management
4 Conference shall be postponed from February 19, 2009, at 2:00 p.m. until immediately after the
5 hearing on Defendant's and Plaintiffs' motions, which is scheduled for February 26, 2009, at 2:00
6 p.m.

7 IT IS SO STIPULATED.

8 DATED: February 2, 2009

9 MUNGER, TOLLES & OLSON LLP
10 Attorneys for Plaintiffs

11 By: /s/ Mark R. Conrad
12 MARK R. CONRAD

13 DATED: February 2, 2009

14 UNITED STATES ATTORNEY
15 JOSEPH P. RUSSONIELLO
16 Attorney for Defendant

17 By: /s/ Victoria R. Carradero
18 VICTORIA R. CARRADERO
19 ASSISTANT UNITED STATES ATTORNEY

20 PURSUANT TO STIPULATION, IT IS SO ORDERED.

21
22 Dated: February 3, 2009

23 
24 THE HONORABLE CLAUDIA WILKEN
25 United States District Judge